

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRANDON PUGH, Plaintiff,  v.  BERKS COUNTY BOARD OF ELECTIONS, Defendant.	Civil Action No. 2:25-CV-03267
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**ORDER GRANTING DECLARATORY  
AND INJUNCTIVE RELIEF**

AND NOW, this \_\_\_\_\_ day of July, 2025, upon consideration of Brandon Pugh's Motion for a Speedy Declaratory Judgment, for a Preliminary Injunction, and Other Relief, and having afforded the parties an opportunity to be heard and to present evidence at a summary trial on the merits under Fed. R. Civ. P. 57 and 65(a)(2) for declaratory and injunctive relief, it is hereby ORDERED and DECREED as follows:

(1) The Court declares Section 1405 of the Pennsylvania Election Code (25 P.S. § 3155) is violative of the First and Fourteenth Amendment of the U.S. Constitution as applied to the facts and circumstances where, as here, (1) a Municipal Primary is conducted for a political party; (2) a write-in candidate, otherwise eligible to have his or her name placed on the official ballot, receives the highest plurality of votes cast for that same public office in the Municipal Primary but less than the threshold under Section 1405 of the Election Code (25 P.S. § 3155); (3) such candidate timely files with the county board of elections a petition to cumulate or identify write-in votes and to be certified as and declared the nominee for that same public office; and (4) the statute law affords political parties no other remedy for nominating candidates if no one was nominated by Primary for such public office.

- (2) Defendant is permanently enjoined as follow: In the preparation of the official ballot for the November 4, 2025 Municipal Election, the Defendant shall not apply 25 P.S. § 3155 to the Plaintiff and must place the Plaintiff's name on the official ballot as the Republican nominee for the office of Mayor of the Borough of Lyons. The Defendant is further compelled to certify, or to amend or correct the certification of, the results of the May 20, 2025 Municipal Primary so as to declare Plaintiff the nominee of the Republican Party for the office of Mayor of the Borough of Lyons, and to submit an amended or corrected certification to the Pennsylvania Secretary of State.
- (3) The Court will entertain any application for ancillary relief under 42 U.S.C. § 1988.

BY THE COURT:

By: \_\_\_\_\_  
Hon. John M. Gallagher, *J.*